

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**WASHINGTON HARBOUR, SUITE 400**

**3050 K STREET, NW**

**WASHINGTON, DC 20007**

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

JOHN J. HEITMANN

DIRECT LINE: (202) 342-8544

EMAIL: jheitmann@kelleydrye.com

NEW YORK, NY  
LOS ANGELES, CA  
HOUSTON, TX  
AUSTIN, TX  
CHICAGO, IL  
PARSIPPANY, NJ  
STAMFORD, CT  
BRUSSELS, BELGIUM

AFFILIATE OFFICE  
MUMBAI, INDIA

October 30, 2019

**By ECFS**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **National Lifeline Association and Q Link Wireless LLC Joint Written  
Ex Parte Presentation, WC Docket Nos. 17-287, 11-42, 09-197 and 10-  
90**

Dear Ms. Dortch:

The National Lifeline Association (NaLA) and Q Link Wireless LLC (Q Link) urge the Commission to grant the pending Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study filed by CTIA, the National Consumer Law Center, National Hispanic Media Coalition, OCA – The Asian Pacific American Advocates, and United Church of Christ, OC, Inc.<sup>1</sup> for the reasons detailed in NaLA's recent *ex parte* letters and comments filed on the Joint Petition,<sup>2</sup> and Q Link's *ex parte* letter and comments filed on the Joint Petition.<sup>3</sup> Further, the Commission should grant the Joint

---

<sup>1</sup> See Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket Nos. 11-42, 09-197, 10-90 (June 27, 2019) (Joint Petition to Pause Implementation).

<sup>2</sup> See National Lifeline Association Notice of Oral *Ex Parte* Presentations, WC Docket Nos. 17-287, 11-42, 09-197 and 10-90 at 10 (filed Aug. 29, 22 and 16, 2019); National Lifeline Association Comments on Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 31, 2019).

<sup>3</sup> See Q Link Wireless LLC Notice of Oral *Ex Parte* Presentation, WC Docket Nos. 17-287, 11-42, 09-197 and 10-90 (filed Aug. 29 and 22, 2019); Q Link Wireless Comments on Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 31, 2019).

KELLEY DRYE & WARREN LLP

Marlene Dortch  
October 30, 2019  
Page Two

Petition to Pause Implementation so that it can fully consider and act on the pending petitions for reconsideration of the 2016 Lifeline Modernization Order's adoption of minimum service standards without proper consideration of access and affordability and issue the State of the Lifeline Marketplace Report.<sup>4</sup>

However, to the extent Commission is considering granting the Joint Petition to Pause Implementation and increasing the mobile broadband minimum service standard to, for example, 3 GB per month, it should also consider an alternative minimum that will benefit Lifeline consumers outside of California and Tribal lands (i.e., in states where no additional subsidies are available). For the reasons described in the enclosed Q Link document, the Commission should also approve a mobile broadband bundle minimum of 2 GB and 1,000 minutes (3,000 units in total – the same as 3 GB) for \$9.25 per month to remain effective until the Commission decides pending petitions for reconsideration and issues the State of the Lifeline Marketplace Report.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



John J. Heitmann  
Joshua Guyan  
Kelley Drye & Warren LLP  
3050 K Street, NW, Suite 400  
Washington, DC 20007  
(202) 342-8400

*Counsel to the National Lifeline Association and  
Q Link Wireless LLC*

Enclosure

---

<sup>4</sup> See Joint Lifeline ETC Petitioners' Petition for Partial Reconsideration and Clarification, WC Docket No. 11-42 et al. (filed June 23, 2016); Petition for Reconsideration of TracFone Wireless, Inc., WC Docket No. 11-42 et al. (filed June 23, 2016); Petition for Reconsideration of CTIA, WC Docket No. 11-42 et al. (filed June 23, 2016).

## The FCC Must Prioritize Access and Affordability for Consumers in All States When Considering Revisions to Mobile Broadband Minimum Service Standards and Public Safety Considerations Command Retention of Voice Support

- The FCC should grant the Joint Petition filed by CTIA and the public interest groups to pause the **minimum service standards** and **voice support phase-out** until it can study the impact of such changes on access to and affordability of Lifeline services as part of preparing the State of the Lifeline Marketplace Report
  - The December 1, 2019 formula will reduce the reimbursement for 1,000 minutes of voice to \$7.25 and increase the broadband data minimum to 8.75 GB
  - If not waived, these two rule changes will undermine the program's goals of **access** (by making Lifeline service less available and by phasing out support for voice) and **affordability** (by effectively imposing a \$30 price increase on mobile broadband Lifeline service)
- Granting a waiver and increasing the mobile broadband minimum service standard to, for example, 3 GB would allow ETCs to continue to provide affordable no-cost service in California and Tribal lands, but not in states where substantial additional subsidies are not available (it does not address the continued need for voice support)
- If the Commission were to approve 3 GB as the new mobile broadband minimum service standard, it should also approve a mobile broadband bundle minimum of **2 GB and 1,000 minutes** (3,000 units in total – the same as 3 GB) for \$9.25/mo. to remain effective until the Commission decides pending Petitions for Reconsideration and issues the State of the Lifeline Marketplace Report
  - Gives the 58% of Lifeline subscribers currently receiving the mobile broadband minimum of 2 GB an additional 1,000 minutes
  - **Gives the 42% of Lifeline subscribers currently receiving the voice minimum of 1,000 minutes an additional 2 GB of broadband data** (a 3 GB minimum does not help these consumers)
  - Provides low-income consumers with a robust bundle of voice and broadband services, which is how the vast majority of Americans purchase communications services
  - Makes service in the states where substantial additional subsidies cannot be combined with the standard Lifeline subsidy of \$9.25 more accessible and affordable than would a 3 GB mobile broadband minimum
    - The Lifeline minimum service standards have been a major cause of reduced participation by carriers and consumers in the Lifeline program

State	% Decline Since 2016	Q Link % of Subscribers
Mississippi	<b>66.4</b>	N/A
Colorado	<b>43.9</b>	57
West Virginia	<b>38.9</b>	47
Kansas	<b>34.2</b>	50

- The Commission is required to consider public safety by its enabling act (*Mozilla v. FCC*) and **phasing out support for voice services endangers public safety**; there is no support for the voice phase-out in the record